

Court No.2

Writ Petition No. 599(M/S) of 2001

Pawan Kumar and others Petitioner

Versus

State of Uttaranchal and

Others Respondents

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Hon. P.C. Verma, J.

Hon. Irshad Hussain, J.

This writ petition has been filed by the petitioners seeking a writ of mandamus commanding the respondents to allow them to pursue and complete the B.T.C. training. The petitioners under the interim order were granted provisional admission because they were selected on account of their own merit, but were not given admission because of domicile certificate.

This Court while entertaining the petition, allowed the petitioners to pursue the B.T.C. course. The petitioners have completed two years training. Now, final result of the last year is to be declared.

Learned counsel for the petitioners placed a Government order dated 20.11.2001 before us, which has been taken on record. Clause '5' of the Government Order provides that in case of admission in educational institutions, the certificate of bonafide resident will only be required in case seats are reserved for admission for the bonafide residents of Uttaranchal.

In the present case, learned counsel for the petitioners made a statement at Bar that there was no reservation for the Uttaranchal bonafide residents in the admission of B.T.C. course. Therefore, in view of clause 5

of the aforesaid G.O. dated 20.11.2001, the petitioners are not required to submit the certificate of bonafide residents of Uttaranchal and their result can not be withheld for want of said certificate. Learned S.C. does not admit the applicability of the said Government Order to the facts of this case. However, we have also gone through the impugned advertisement enclosed with the counter affidavit of the Principal, District Institute of Education and Training, Didihat. As per column no. 8 of the said advertisement, the copy of the certificate of original place of resident is required and not permanent place of resident. The photo copies of the certificate of the residence of the petitioners issued by the competent authority are on record. It is also significant that the petitioners have completed the entire training and have appeared in the final examinations.

We, therefore, find force in the contention of the learned counsel for the petitioners and direct that the result of the petitioners be declared within 15 days from the date of production of the certified copy of this order.

With this observation, the petition is disposed of finally.

(P.C. Verma, J.)

(Irshad Hussain, J.)

Dt.5.8.2002

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